

The Honorable Lonny R. Suko

THE SCOTT LAW GROUP, P.S.
Darrell W. Scott scottgroup@me.com
Matthew J. Zuchetto matthewzuchetto@me.com
Andrew S. Biviano andrewbiviano@me.com
926 West Sprague Avenue, Suite 680
Spokane, WA 99201
Ph: (509) 455-3966

DURKOP LAW OFFICE
Timothy W. Durkop
tim@durkoplaw.com
2312 N. Cherry Street, Suite 100
Spokane Valley, WA 99216
Ph: (509) 928-3848

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHAD M. CARLSEN and SHASTA L.
CARLSEN, husband and wife, individually
and on behalf of a Class of similarly situated
Washington families; and CARL POPHAM
and MARY POPHAM, husband and wife,
individually and on behalf of a Class of
similarly situated Washington families;
Plaintiffs,

v.

GLOBAL CLIENT SOLUTIONS, LLC, an
Oklahoma limited liability company;
GLOBAL HOLDINGS LLC, an Oklahoma
limited liability company; ROCKY
MOUNTAIN BANK & TRUST, a Colorado
financial institution; ROBERT MERRICK, a
resident of Oklahoma; MICHAEL
HENDRIX, a resident of Oklahoma; and
JOHN AND JANE DOES A-F,
Defendants.

NO. CV-09-246-LRS

CLASS ACTION

FINAL ORDER AND
JUDGMENT APPROVING
CLASS SETTLEMENT

FINAL ORDER AND JUDGMENT
APPROVING CLASS SETTLEMENT: 1

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

1 WHEREAS, on February 19, 2012, this Court entered its Order
2 Preliminarily Approving Settlement, Directing Issuance of Class Notice, and
3 Scheduling Fairness hearing, ECF No. 183 (the "Preliminary Order"); and

4 WHEREAS, individual notice complying with FED. R. CIV. P. 23 was sent
5 to the last-known address of each reasonably identifiable member of the Settlement
6 Class, and follow-up procedures as outlined in the Settlement Agreement and
7 approved by the Preliminary Order have been completed; and

8 WHEREAS, a fairness hearing on final approval of the settlement was held
9 before the Court on June 5, 2102; and

10 WHEREAS, five (5) objections to the settlement were made by any Member
11 of the Settlement Class; and

12 WHEREAS, the Court, being advised, finds that good cause exists for entry
13 of the below Order;

14 NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

15 1. This Order incorporates by reference the definitions in the Settlement
16 Agreement, and all capitalized terms used herein shall have the same meanings set
17 forth in the Settlement Agreement.

18 2. The Court finds it has personal and subject matter jurisdiction over all
19 claims asserted in the action with respect to all Members of the Settlement Class.

20 3. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court
21 certifies the following Settlement Class for purposes of giving final approval to the
22 Class Settlement: *All Washington residents for whom Global Client Solutions*

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FINAL ORDER AND JUDGMENT
APPROVING CLASS SETTLEMENT: 2

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1 *established or maintained a Special Purpose Account at any time through*
2 *December 19, 2011.*

3 4. Further, pursuant to Rule 23 of the Federal Rules of Civil Procedure,
4 the Court hereby approves the terms set forth in the Settlement Agreement and
5 finds that said settlement is in all respects fair, reasonable, and adequate, and is in
6 the best interests of the Class. The Court further finds the Settlement Agreement is
7 the result of arm's-length negotiations between counsel experienced in class
8 litigation who represented the respective interests of the Class and Defendants.
9 Accordingly, the Settlement Agreement is hereby approved in all respects and shall
10 be consummated in accordance with its terms and provisions. The parties are
11 hereby directed to abide by the terms of the Settlement Agreement.
12

13 5. The Court finds that Notice to the Settlement Class has been
14 completed in conformity with the Preliminary Order. The Court finds that this
15 Notice complies with the requirements of FED. R. CIV. P. 23 and due process, was
16 the best notice practicable under the circumstances, that it provided due and
17 adequate notice of the proceedings and of the matters set forth therein, and that it
18 fully satisfied all applicable requirements of law and due process.
19

20 6. The Court finds that Defendants complied with the notice provisions
21 of the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, et. seq.
22

23 7. The settlement of the Action on the terms set forth in the Settlement
24 Agreement is approved as being fair, adequate, and reasonable in all respects,
25 including in light of the recovery obtained in relation to the risks involved in
26

1 further litigation. The relief provided under the Settlement Agreement is
 2 appropriate as to the individual Members of the Class and to the Class as a whole.

3 8. Pursuant to the terms of the Settlement Agreement, within thirty (30)
 4 days from the date of this Final Order, Defendants are ordered to pay in settlement
 5 One Million Six Hundred Sixty-Five Thousand Dollars (\$1,665,000.00), which
 6 payment shall be placed into a class settlement trust account ("Settlement Trust")
 7 established and maintained by Class Counsel. This payment into the Settlement
 8 Trust will be used by Class Counsel to pay damage awards to Class members equal
 9 to the amount of fees each Class member paid to Defendants; reimburse Class
 10 Counsel's litigation costs; reimburse Class Counsel for claims administration and
 11 Class notice expenses; and pay Court-approved incentive awards ^{in the amount of \$5,000} to each Named
 12 Plaintiff for service as class representatives. The Court will approve the amounts
 13 to be paid toward litigation costs, claims administration/class notice expenses, and
 14 incentive payments to Class representatives through separate motion and order.
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16 9. In addition to the payment made into the Settlement Trust, described
 17 above, Defendants shall also pay Class Counsel's reasonable attorney fees. The
 18 amount of reasonable attorney fees to be paid will be set forth in a separate order.
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20 10. This Order and Judgment is binding on all Settlement Class Members
 21 who did not timely exclude themselves from the settlement in the manner set forth
 22 in the Class notice. As of the date of this Final Order, all Settlement Class
 23 Members shall conclusively be deemed to have irrevocably released, relinquished
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FINAL ORDER AND
 JUDGMENT APPROVING CLASS
 SETTLEMENT: 4

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1 and forever discharged all claims that are released by the Settlement Agreement or
2 barred by the entry of judgment in this action.

3 11. This Class Action is dismissed on the merits and with prejudice as to
4 the individual claims of the Named Plaintiffs and claims of the Settlement Class
5 Members, without fees or costs except as provided for herein.
6

7 12. The Court shall retain continuing jurisdiction over this Class Action,
8 the parties, and all Settlement Class Members to determine all matters relating to
9 the Final Judgment, Final Approval Order, the Preliminary Approval Order, or the
10 Settlement Agreement, including their administration, implementation,
11 interpretation, or enforcement.
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13 IT IS SO ORDERED.

14 *s/Lonny R. Suko*

15 Dated: June 5, 2012.

16 _____
17 The Honorable Lonny R. Suko
18 United States District Judge
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